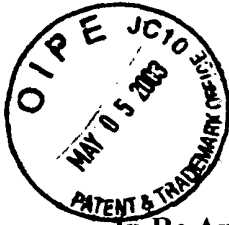


05-07-03

1631
Bar Seg

DOCKET NO.: ISPA-3292

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Nielsen et al.

Confirmation No.: 9879

Application No.: 09/486,623

Group Art Unit: 1631

Filing Date: July 6, 2000

Examiner: A. Marschel

For: PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVITY

EXPRESS MAIL LABEL NO: EV 251288238 US
DATE OF DEPOSIT: May 5, 2003

EV251288238US

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 09 2003

Sir:

TECH CENTER 1600/2900

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated February 3, 2003.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ Other:
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization

- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows:
- ☒ Other Material as follows: Statement to Support Filing and Submission Accordance with 37 CFR §§ 1.821 through 1.825; Computer Readable Sequence Listing; and Paper Copy of Sequence Listing (12 pages).

FEE CALCULATION

☒ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	7	32 (20 MINIMUM)		\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	1	6 (3 MINIMUM)		\$42 EACH	\$	\$84 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$	\$410	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$	\$930	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$	\$1450	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$985	\$	\$1970	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$0

- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.

DOCKET NO.: ISPA-3292

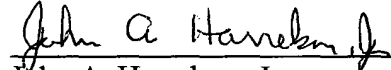
- 4 -

PATENT

☒ Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: May 5, 2003


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REQUEST FOR RECONSIDERATION

This is in response to the Office Action mailed on February 3, 2003. Please enter the following amendments without prejudice

In the Claims:

Please amend claims 23 and 55 as shown below.

D1
23. (amended) A method of killing or inhibiting growth of bacteria comprising contacting said bacteria with a peptide nucleic acid, wherein said peptide nucleic acid comprises a sequence complementary to a target nucleic acid sequence of said bacteria, said target nucleic acid sequence being essential to the viability of said bacteria.

D2
55. (amended) A method of killing or inhibiting growth of bacteria comprising:
(a) selecting a bacteria to be killed or inhibited; and